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DEPARTMENT FOR EUR/SE

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SUBJECT: SCENESETTER FOR TURKISH JUSTICE MINISTER CICEK'S
VISIT TO WASHINGTON

(U) Classified by CDA a.i. Robert Deutsch; reasons (1.5 b and d).

11. (C) Summary: Justice Minister Cicek's visit to Washington allows us to raise high-profile global issues with one of the Turkish cabinet's most influential and outspoken figures. Our priorities for his visit should be: 1) to urge continued GOT progress on EU-related human rights reform, and underscore U.S. support for Turkey's EU candidacy; 2) to encourage GOT follow-through on combating trafficking in persons (TIP); 3) to urge better cooperation on child abduction cases; 4) to urge the GOT to adopt more effective laws against terrorist financing; and 5) to brief Cicek on our latest thinking on Iraq and further U.S.-Turkish cooperation;. End Summary.

12. (C) Justice Minister and government spokesman, Cemil Cicek is a mainstream conservative Anatolian who brings ballast and common sense to PM Erdogan's cabinet. He has Erdogan's ear on matters of state. For instance, we know he faithfully passed on to Erdogan our caution against Erdogan's planned trip to Tehran; Erdogan subsequently put the trip off. Cicek can sometimes be a difficult interlocutor; he is prone to complaining to us about what he perceives as U.S. policy mistakes. Moreover, in the classic mode of those who adhere to a nationalist-religious line, he will blandly assure his interlocutors that everything is in order, all problems are being solved. Once he has vented, however, he can be a careful listener and appreciates nuts-and-bolts solutions. The key is to slow down the pace of the meeting; when he senses he is under pressure or sees that someone is openly disputing a point with him, he goes deaf.

Human Rights, Religious Freedom

13. (U) Cicek has been among the GOT's most outspoken defenders of the EU-related human rights reform process. When high-level generals from the TGS and NSC have criticized pending reform legislation as threats to national security, Cicek has often issued strong, public rebuttals. He has even publicly criticized police for abusing their authority. He also understands the need for wholesale reform of the sclerotic and ideologically one-sided justice system. We should applaud Cicek's overall efforts in favor of reform and make it clear to him that the USG will continue to back Turkey's EU candidacy.

14. (C) Ecumenical Patriarch Bartholomew has told us that attorneys for the Ecumenical Patriarchate have found Cicek willing to discuss new approaches for improving GOT-Patriarchate relations, though they remain cautious about how far he will go to back efforts to remove restrictions on the Patriarchate, especially reopening of Halki Seminary. We should emphasize to Cicek that reopening of Halki in advance of the NATO Summit would strongly bolster Turkey's image in the U.S. It is also important to remind Cicek that having a healthy Ecumenical Patriarchate in Turkey rather than having the Russian Orthodox Church dominate is directly and materially in Turkey's interests.

State Security Court Reform

15. (C) Despite sweeping human rights reforms, the GOT has made no significant changes to the widely criticized State Security Court (SSC) system. SSCs have the authority to hold closed hearings and admit testimony obtained during police interrogation in the absence of council. A large portion of defendants in SSC cases face charges in relation to illegal speech, usually for allegedly "insulting the State" or

advocating "separatism." The EU has repeatedly called on the GOT to bring the SSCs in line with European standards, and EU officials have alleged pro-prosecution bias on the part of the Ankara SSC hearing the high-profile retrial of Leyla Zana and three other Kurdish former MPs. A few members of the Turkish Parliament have said the SSCs should be abolished. SSC reform could help loosen restrictions on expression, and would bolster Turkey's EU candidacy.

Human Trafficking

16. (U) Thanks to a recent series of initiatives, the GOT earned a last-minute promotion from Tier III to Tier II in the 2003 Trafficking in Persons (TIP) report. However, GOT officials have been slow to acknowledge the trafficking problem in Turkey, and slow to provide information on arrests and prosecutions under anti-TIP legislation, as well as on anti-TIP programs. We should continually emphasize to Cicek the need to follow up on anti-TIP initiatives in order for Turkey to maintain its Tier II status and continue to progress. We should also encourage greater collection and sharing of data on TIP-related issues.

Child Abduction

17. (C) Turkey became a signatory to the Hague Convention on Child Abduction (parental kidnapping) in August 2000. Since that time, no child has been successfully returned from Turkey to any country without the consent of the abducting parent. There are several systemic problems. The court system is very slow and Hague cases last a minimum of 2-3 years. Kidnapping by a parent is not considered a crime in Turkey, and police therefore have no authority to get directly involved in locating missing children in abduction cases. The law only permits police to notify abducting parents that they have seven days to turn over the child. Abductors face only a small fine for failing to comply. Most judges are unfamiliar with the Hague Convention. The Justice Ministry recently began preparing a new law for implementing the Convention -- we do not know whether Cicek is aware of this. Turkish M.P.s with whom we have discussed the issue seem keen to press for Turkey to adhere to its commitments. In contrast, in the past, Cicek has made verbal commitments to assist in abduction cases, but has not followed up. We have heard from good AK party contacts that Cicek is prejudiced against the taking of children from a Turkish (i.e., Muslim) abducting parent because he sees the return of a child abroad as the loss of a "Muslim child".

18. (U) There are currently 16 cases involving 19 Amciti children who have been abducted and taken to Turkey. Of these, six involve applications for return and two involve applications for visitation under the Hague Convention. The other eight are pre-Hague cases filed under local Turkish law. Cicek's visit provides an opportunity to emphasize our concern about the lack of GOT progress on Hague compliance. Increasing numbers of children are being abducted and taken to Turkey because abducting parents know the Hague Convention is not being enforced. Ultimately, judges in other countries will deny visitation to Turkey under the Convention out of fear that the children will not be returned.

Terrorist Financing

19. (U) Turkey's efforts to combat terrorism have been hampered by inadequate laws, insufficient training, and limited cooperation among agencies. Both the EU and State/DOJ are planning programs to address these problems; however, without top-level GOT support, we can expect only limited results. In particular, the GOT needs to pass laws that will: 1) criminalize the financing of terrorism; 2) resolve jurisdictional disputes between courts; 3) make it easier to seize terrorists' assets; 4) improve the functioning of MASAK (the Turkish financial intelligence analysis unit); and 5) strengthen the Suspicious Transaction reporting regime.

Iraq

110. (C) In recent meetings, Cicek has clearly had a couple of axes to grind regarding the war in Iraq and its aftermath.

He has accused the U.S. of siding with "two clan leaders" (PUK leader Talabani and KDP leader Barzani) over Turkey, despite 57 years of alliance and friendship. He has said the GOT appreciates U.S. economic support, but warned that Washington should not assume that support guarantees Turkey's unlimited, unconditional loyalty. His public comments have mirrored this approach. Nevertheless, Cicek has said he believes Turkey and the U.S. should move beyond their differences over Iraq. His visit provides an opportunity to emphasize our desire to forge a cooperative relationship with the GOT on Iraq, and to encourage Cicek to adopt a more supportive public line.

Uzan Case

11. (C) Cicek may raise the possibility of a GOT extradition request for members of the Uzan family, if they are located in the U.S. Several members of the family of Motorola deadbeat and Genc Party leader Cem Uzan face charges of bank fraud. The USG is working with the GOT on the issue, however the Uzans have not been located. We should assure Cicek that if the Uzans are located in the U.S. the USG will follow through on an extradition request in accordance with the extradition treaty.
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